

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 19, 2007**

**DIVISION ONE**

B191651      Carlos Sanchez  
                 v.  
                 Renator Villasenor et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B190768      Paulette Hayes  
                 v.  
                 Los Angeles County Metropolitan Transit Authority

Filed order denying petition for rehearing.

**DIVISION THREE**

B189963      Rossco Holdings, Inc., et al.                      (Certified for Publication)  
                 v.  
                 Bank of America, etc., et al.

The trial court's order vacating the arbitration award is reversed and the case remanded for further proceedings consistent with the views expressed in this opinion. Each party is to bear its own costs on appeal.

Croskey, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

April 19, 2007 (Continued)

### DIVISION THREE (continued)

B185193      Gallagher      (Not for Publication)

V.

Mercedes-Benz USA, LLC, et al.

The judgment is affirmed in part and reversed and remanded in part as to that portion the fraud claim concerning the service contract/extended warranty. All parties are to bear their own costs on appeal.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                    Kitching, J.

B190613 Bernd (Not for Publication)

V.

Bernd

The order denying Christopher's motion to set aside the October 3, 2001 modification of the child support order is affirmed. The matter is remanded to the trial court for computation of the arrearage in conformance with Code of Civil Procedure section 695.221, subdivisions (a), (b) and (c) and the trial court's conclusion that Christopher be given credit for all payments documented in the Declaration of Payment History filed in this case by Christopher on December 13, 2005. Each party to bear its costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

### DIVISION THREE (continued)

B193093 L.A. County Dept of Children & Family Svcs. (Not for Publication)  
v.  
Nery D.

The order of the juvenile court are affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B190500      People                                  (Not for Publication)  
v.  
**Jonathan Allen James**

The judgment (order revoking probation) is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B194020      People      (Not for Publication)  
v.  
Issac Donte Eaton

We have examined the entire record and are satisfied Eaton’s counsel has complied fully with counsel’s responsibilities. (Smith v. Robbins (2000) 528 U.S. 259 [145 L.Ed.2d 756]; People v. Wende (1979) 25 Cal.3d 436, 443.)

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

April 19, 2007 (Continued)

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B186089 People v. Hernandez

B193677 DCFS v. Jose R.

Argument waived, cause submitted.

B190896     People  
                 v.  
                 Halverson

Merits:

Argued by Judy Fridkis for appellant and by Zee Rodriguez for respondent.  
Cause submitted.

B189945     Tesoriero  
                 v.  
                 Eliaser

Merits:

Argued by John R. Fuchs for appellant and by Albert E. Cressey for respondent. Cause submitted.

DIVISION FOUR (continued)

B196274     Jesus P.  
              v.  
              Superior Court, Los Angeles County  
              (DCFS, r.p.i.)

Merits:

Argued by Eliot Lee Grossman for petitioner and by Liana Serobian for real party in interest. Cause submitted.

B189595     Chin  
              v.  
              Merchant

Merits:

Argued by Frank A. Weiser for appellant and by Christina Bull Arndt for respondent. Cause submitted.

B189002     Penuela  
              v.  
              Rushfeldt, Shelley & Drake

Merits:

Argued by Robert C. Powers for appellant and by Roy Penuela for respondent. Cause submitted.

B185326     Powell et al.  
              v.  
              Blackmore

Merits:

Argued by Stanley W. Lamport for appellants and by Peter Brown Dolan for respondent. Cause submitted.

Court recessed.

April 19, 2007 (Continued)

DIVISION FOUR (continued)

Court reconvened at 1:30 p.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B188291 People v. Rocco  
B193302 DCFS v. Raquel B., et al.  
B192166 DCFS v Louis S., et al.

Argument waived, cause submitted.

B189667     People  
              v.  
              Tena

Merits:

Argued by Laura Kelly for appellant and by Stacy Schwartz for respondent.  
Cause submitted.

B189728     Rodriguez et al.  
              v.  
              Rey-Monroy

Merits:

Argued by Joseph Blumberg for appellants and by Dennis K. Ames for respondent. Cause submitted.

DIVISION FOUR (continued)

B188935     People  
              v.  
              Arevalo

Merits:

Argued by Ralph M. Rios for appellant and by Dennis K. Ames for respondent. Cause submitted.

B189018     Fox  
              v.  
              Watts et al.

Merits:

Argued by Robert A. Brown for appellant, by Robert D. Brugge for respondents Watts and Abacus Mortgage, by Darin L. Wessel for respondents Patrick and All Star Realty and by Scott R. Lane for respondents Summers Properties, et al. Cause submitted.

Court Adjourned.

B190771     Giuliano III  
              v.  
              Inland Empire Personnel, Inc., et al.

Filed order certifying opinion for publication.

April 19, 2007 (Continued)

DIVISION FIVE

B190270      People                      (Certified for Partial Publication)  
v.  
Jesus Chavez

The judgment is modified to impose the fines, surcharges, and penalties discussed in the body of the opinion. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.  
Mosk, J.

DIVISION SIX

B187710      Tuason      (Not for Publication)  
v.  
The Regents of the University of California

The judgment is affirmed. Costs to respondents.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B190265      Republic Fastener MFG. Corp.,      (Not for Publication)  
v.  
Vivitar Corporation

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur:    Gilbert, P.J.  
                         Perren, J.



DIVISION SIX (continued)

B191064      John Andersen                      (Certified for Publication)

v.

Worker's Compensation Appeals Board  
City of Santa Barbara,  
JT2 Integrated Resources, Respondent

We annul the decision of Board regarding City's requirement that he use vacation time rather than sick leave. In all other respects, we affirm the decision of Board. We remand for further proceedings, consistent with this opinion, including but not limited to, the determination of further awards, fines and costs to be awarded Andersen pursuant to section 132a.

Coffee, J.

We concur:   Gilbert, P.J.  
                     Perren, J.

B190806      People                                      (Not for Publication)

v.

Leon

The court hearing ban probation condition is stricken, In all other respects, the judgment is affirmed.

Coffee, J.

We concur:   Gilbert, P.J.  
                     Perren, J.

April 19, 2007 (Continued)

## DIVISION SIX (continued)

[illegible]

The judgment is reversed as to the sentence only, and the matter is remanded for resentencing consistent with this opinion.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

[illegible]

The trial court imposed the upper term of eight years for the sodomy conviction. As a result, sentence must be vacated and a new sentence must be imposed that is consistent with *Cunningham v. California, supra*, \_\_\_U.S. \_\_\_ [127 S.Ct. 856, 166 L.Ed.2d 856]. In all other respects the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

April 19, 2007 (Continued)

## DIVISION SIX (continued)

B192361 People (Not for Publication)  
v.  
Chisholm

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

DIVISION EIGHT

B183508 People (Not for Publication)  
v.  
Samuel Elias Verdin et al.,

The judgments are affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

B186285      People      (Not for Publication)  
v.  
Gerardo Reyes

The judgment is reversed.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

April 19, 2007 (Continued)

DIVISION EIGHT (continued)

B182910     People  
              v.  
              Anthony Ray Brumfield

Filed order vacating submission order of January 26, 2007. Cause resubmitted.